

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - ZON-17242 - APPLICANT/OWNER: TOUSA HOMES, INC.**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 21, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-17247) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Dedicate an additional 5 feet of right-of-way for a total radius of 25 feet on the northwest corner of Bradley Road and Deer Springs Way and grant a traffic signal chord easement.
4. Construct all incomplete half-street improvements, including appropriate transitional paving, on Bradley Road and Deer Springs Way adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
5. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings. No partial bond releases will be allowed until all perimeter roadway improvements are in place.

6. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sewer in the private street to the existing residences west of this site at a location and to a depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units Per Acre).

The proposed rezoning to and R-PD2 (Residential Planned Development – 2 Units Per Acre) is not considered appropriate for this location. The parcel does not meet the minimum lot size for Residential Planned Development and a Variance (VAR-17244) is required. The lot sizes that result from this rezoning are approximately 4,000 square feet smaller than what is currently permitted on this property. The setbacks that would result are more closely related to those of the R-D (Single-family Residential-Restricted) District than the current R-E (Residence Estates) District. Due to these factors denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/21/06	<p>The Planning Commission recommended approval of companion items VAR-17244 and SDR-17247 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #27/ng).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this development.	
<b><i>Pre-Application Meeting</i></b>	
09/15/06	A pre-application meeting was held. It was noted that the site was located in the Rural Preservation Overlay District Buffer. The applicant stated that these would be a mix of one and two-story homes and that the cul-de-sac would align with the western portion that is already developed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

  

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.86
Net Acres	2.26

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)
North	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)
South	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)
East	Single-family Residential	ML (Medium Low Density Residential)	R-1 (Single-family Residential)
West	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
R-PD (Residential Planned Development) District	X		N
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District (Buffer)</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

## DEVELOPMENT STANDARDS

*Per Title 19.06 the following Development Standards apply:*

<b><i>Standard</i></b>	<b><i>Provided</i></b>
Min. Lot Size	16,030 SF
Min. Lot Width	91.79 Feet
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 10 Feet 15 Feet 25 Feet
Max. Building Height	29.5 Feet

<b><i>Existing Zoning</i></b>	<b><i>Permitted Density</i></b>	<b><i>Units Allowed</i></b>	<b><i>Proposed Zoning</i></b>	<b><i>Permitted Density</i></b>	<b><i>General Plan</i></b>	<b><i>Permitted Density</i></b>
R-E (Residence Estates)	2 Units per Acre	Seven  (Only Five are Proposed)	R-PD2 (Residential Planned Development – 2 Units Per Acres)	2.49 Units per Acre	L (Low Density Residential)	5.49 Units Per Acre)

*Per Title 19.06.040, the following parking standards apply:*

<b><i>Open Space</i></b>
Residential Planned Developments with less than 12 units are not required to provide open space. This development proposes five-lots and open space is not required. It is noted that the applicant is providing a six-foot streetscape area along Bradley Road (Common Lot A) that includes landscaping that meets Code requirements. The applicant is requesting a waiver of the streetscape requirements along Deer Springs Way.

*Pursuant to Title 19.10, the following parking standards apply:*

<b><i>Parking Requirement</i></b>
The project is required to provide a minimum of two parking spaces per unit. Each unit proposes a minimum of a two car garage, while most units include a three car garage. This meets Title 19.10 parking requirements.

## **ANALYSIS**

The proposed rezoning is not considered appropriate. The parcel does not meet the requirements of Title 19.06.040 for Residential Planned Development as it is less than five acres in area. The subject property is 43 percent deficient in acreage. This deviation requires a Variance (VAR-17244) and denial of that variance is recommended. It is further noted that this rezoning to an R-PD2 (Residential Planned Development – 2 Units Per Acre) District would permit the applicant to develop one additional lot on the property than what would currently be permitted under the R-E (Residence Estates) District. The result is lot sizes of just over 16,000 square feet where 20,000 square feet is currently the minimum permitted. The smaller lots create shorter setbacks. The proposed development standards make the site incompatible with the surrounding neighborhood. Denial of this request is recommended.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

### **1. “The proposal conforms to the General Plan.”**

The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) District would be in compliance with the General Plan, which is L (Low Density Residential). It is noted that this General Plan Designation is not reflective of the development in the neighborhood. The area is primarily R-E (Residence Estates) zoned with lot sizes of over 20,000 square feet. This is more typical of the RNP (Rural Neighborhood Preservation) land use designation. While the proposed development conforms to the General Plan, the proposal is considered to be incompatible with the surrounding area due to smaller lot sizes, the required Variance, and waivers of streetscape standards.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The single-family residential use is compatible with the area; however, the proposed design includes lot sizes that are smaller than adjacent lots and additional deviations from standards that make the proposed project incompatible with the area.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors do not indicate the need for this rezoning. The applicant is simply gaining an additional lot over what would otherwise be permissible under the current zoning designation.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Site access is provided from Deer Springs Way, an 80-foot Secondary Collector. This street will provide adequate access to the proposed development.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 150 by Planning and Development Dept

**APPROVALS** 0

**PROTESTS** 0